IN RE: PETITION FOR SPECIAL HEARING N/S of Chesapeake Road, 50' E * DEPUTY ZONING COMMISSIONER of Patapsco Road (7336 Chesapeake Road) * OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District * Case No. 90-442-SPH Brian F. Sherman, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore, is not subject to additional zoning requirements, including Residential Transition Area regulations, and would not be considered a Class A Elderly Housing Facility, a Class A or B Nursing Home, or an Assisted Living Facility, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Frank S. Solomon, Esquire. Phyllis Friedman, Esquire of People's Counsel also appeared. Appearing as an interested party was Mildred Laird. There were no Protestants.

Testimony indicated that the subject property known as 7336 Chesapeake Road, consists of .23 acres more or less zoned D.R. 5.5 and is improved with a split level dwelling, above-ground swimming pool, and detached garage. Said property is located within the Chesapeake Bay Critical Areas near Oliver Beach. Mr. Sherman testified the subject dwelling, which was built six years ago, contains five bedrooms, a kitchen, dining room, and two bathrooms on the upper level and four bedrooms, a bathroom, laundry room, work room/furnace room, and family room on the lower level as depicted in drawings submitted as Petitioner's Exhibit A. Mrs. Sherman testified that she had previously worked in various nursing homes on the

Eastern Shore and was personally involved in the care provided to individuals. When the Shermans returned to the Baltimore area, they decided to provide a residential living alternative for the elderly. Currently, Petitioners reside on the subject property with their four children and three elderly individuals. Petitioners are desirous of opening their home to a maximum of eight elderly persons. Mrs. Sherman testified that the individuals who have resided with them over the past six years are all ambulatory and able to care for themselves, other than needing some assis-She cited as examples getting in and out of bathrooms, help with laundry and other chores, etc. Mrs. Sherman indicated she hires help to assist in bathing the elderly, laundry and cleaning. Testimony indicated that all individuals residing in the home eat their meals in the common kitchen. Mrs. Sherman testified that some of the senior citizens assist in the preparation of meals. She emphasized that those residing with her are generally senior citizens who cannot live by themselves, and/or want an alternative family-type arrangement with others. Mrs. Sherman testified the residents are free to come and go as they please. She indicated that the individuals residing with her become residents by word-of-mouth Mrs. Sherman testified that fees charged depend upon the financial circumstances of each person. She indicated that there are no training or rehabilitation programs on site. Petitioners argue that the occupancy of the

Mrs. Sherman indicated zoning verification became necessary in order for her to increase the number of residents under State guidelines. Testimony indicated that when Petitioners requested confirmation of their status from the Zoning Office, they were advised that due to the possibiliof there being greater than the three current individuals residing in

additional elderly individuals in their home is as a family.

the home, a Petition for Special Hearing and/or Special Exception must be The Petitioners filed the instant Petition for Special Hearing as they believed the expansion of the number of elderly residents was permitted as of right and that the use proposed is as a family.

To further support their argument, Petitioners cited the case of In Re: Bon Vie, Inc., Case No. 87-208-SPH. On December 12, 1986, in Bon Vie, supra, the Commissioner found that the living arrangement in that instance met the definition of "family" under the then existing Baltimore County Zoning Regulations (B.C.Z.R.). Subsequently, in Bill No. 36-88 effective June 13, 1988, the County Council passed legislation concerning elderly housing facilities. At the hearing held in the instant matter, Petitioners were asked to address the requirements set forth in Section 432 of the B.C.Z.R. which was adopted by the County Council subsequent to Case 87-208-SPH. Section 432 permits elderly housing facilities in D.R. zones subject to certain conditions.

Clearly, the definition of "family" as set forth in Section 101 of the B.C.Z.R. is not limited to the restricted, traditional definition of the "nuclear family" consisting of parents, children and extended family members related by biological or legal family relationships. It has been the policy of the Zoning Office to examine the particular circumstances of each case. While many of the characteristics of the living arrangements of the residents in the instant case are similar to a family relationship, in the opinion of the Deputy Zoning Commissioner, the facts are clear that the occupancy of the subject dwelling by elderly residents clearly falls within the definition of housing for the elderly as defined in Sections 101 and 432 of the B.C.Z.R. The case is clearly distinguishable from In Bon Vie, Inc. which was decided prior to the elderly housing regulation. In this instance, the Petitioners agree that they are subject to State regulations regarding housing of the elderly and in fact, this has prompted Petitioners' request for a determination.

In light of Petitioners' request for housing of greater than three elderly persons, in the opinion of the Deputy Zoning Commissioner, the relief proposed is subject to the filing of a request for special exception. At the close of the hearing and following a review of the case, an opportunity had been given to Petitioners to file appropriate Petitions seeking a special exception if they desired. Petitioners have failed to file any additional Petitions.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 42 day of April, 1991 that the Fetition for Special Hearing to determine that the proposed Elderly Sheltered Care Home meets the definition of a family, be and is hereby DENIED.

> Deputy Zoning Commissioner for Baltimore County

298 PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-442-5PH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve To determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including S 1801.1.B.1.b. (Restrictions in Residential Transition Areas) and would qualify under 1801.1.B.1(c)1. (see attached)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we

J. Robert Staines /1

	are the legal owner(s) of the property which is the subject of this Petition.
ptract Purchaser:	Legal Owner(s): BRIAN F. SHERMAN & JOANN SHERMAN
(Type or Print Name)	(Type or Print Name)
Signature	Signature B. 1574
	(Type or Print Name)
Address	Signature 1000
City and State Attorney for Petitioner:	7336 Chesapeake Road 335-8504
Frank S. Solomon (Type or Print Name)	Address Phone No.
Kank J. Horon	Middle River, Maryland 21220 City and State
605 Baltimore Avenue	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Towson, Maryland 21204	Brian F. Sherman Name 7336 Chesapeake Road 335-8304
City and State Attorney's Telephone No.: (301) 823-1691	Middle River, Md. 21220 335-8304 Address
ORDERED By The Zoning Commissioner of	20
of March, 1990, that the	the subject matter of this periatric terrorigh-
required by the Zoning Law of Baltimore County out Baltimore County, that property be posted, a	y, in two newspapers of general circulation through- and that the public hearing be had before the Zoning and County Office Building in Towson, Baltimore
Commissioner of Baltimore County in Room	108, County Office Building in Towson, Baltimore May 19 20, at 2 o'clock

and is not a class A Elderly Housing Facility, Class A or B, a Nursing Home, or an Assisted Living Facility.

90-442-SPH This case should be heard by Ann N. cat. But Haines order as he had input into permetting it to be filed as a Single Family Res. Lot, for. 35.00. I suggested that to the the extent possible that commercial scheckhit be followshare was lacking they emust accept the repensibility for any affect it may have on the zony heaving suther at least 100. The plans as subutted are

90-442-SPH

7336 Chesapeake Avenue Middle River, Md. 21220

Beginning at a point on the North side of Chesapeake Road with a thirty (30) foot right-of-way, fifty (50) feet southeast of Patapsco Road with a thirty (30) foot right-of-way, being lot #229 of Oliver Beach, as recorded in Plat Book 12, Folio 56, also known as 7336 Chesapeake Road in the 15th Election District.

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

442 Eastern Blvd

Balto., Md. 21221

→ April 19,

THIS IS TO CERTIFY, that the annexed advertisement of

Brian F. and Joann Sherman in the matter of Petition for Special Hearing od 7336 Chesapeake Rd. Case #90-442-SPH, P.O.# 0103715, Req. # M42923. 101.5 lines

was inserted in The Avenue News a weekly newspaper successive week(s) before the 20 day of April 1990 ; that is to say, the same was inserted in the issues of April 19 19 90

The Avenue Inc.

terein in Room 106 of the County Office Building, focated at 111 V Transported Avenue in Torrior Karyland as follows: Potition I Special Hearing Case Number 50-4/2-SPH N/S Chesapeake Road, 50 E of Patapsco Road 7336 Chesapeake Road 15th Election District 5th Councilmanic* Petitioner(s): Brian F. (Johan Sherman Hearing Date: THURSDAY, May 17, 19 at 2:00 p.m. Special Hearing: To determi and therefore not subject to . or tional zoning requirements including §1801.1.8.1.5 (Floatrictions is outdiqueity ender 1801.1.8.1.6c1 and is not a class A Elderly Housin Facility, Class A or 8, a Nursin In the event that this Petition is granted, a building pormit may be accent period. The Zoning Com-missioner will, however, entensing any request for a stay of the issuance of said permit during this period for good cause shown. Sur request must be in writing and a **L ROBERT HAINES** ring Commissioner

lotice Of Hearing

more County, by authority of t

imore County will hold a public

huaring on the property identified

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of Petition for Special Hearing Case number: 90-442-SPH N/S Chesapeake Road, 50' of Patapeco Road 7336 Chesapeake Road 15th Election District 5th Councilmanic Patitioner(s):

Brian F. & Joann Sherman learing Date: Thursday, May 17, 1990 at 2:00 p.m.

any request for a stay of the is-

of Batteriore County we not public hearing on the properly identified herein in Room 108 of the County Office Building, to cated at 111 W. Chesapesite Av-enue in Toweron, Maryland 2120

as Assisted Living Facility.
In the event that this Petition is granted, a building permit may be served within the thirty (30) desired within the thirty (30) desired.

appeal period. The Zoning Com-missionar will, however, entertain any request for a stay of the le-

and received in this office by the

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

AMN:bjs

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 23 , 19 50 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Lipsel 19, 19 90.

THE JEFFERSONIAN,

5. Zehe Orlin

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CERTIFICATE OF PUBLICATION

TOWSON, MD., april 23 , 19 517 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 1919, 1990

THE JEFFERSONIAN.

4. Zahe mlian

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zueing Commissioner

Brian and Joann Sherman 7336 Chesapeake Road Middle River, Maryland 21220

Re: Petition for Special Hearing CASE NUMBER: 90-442-SPH N/S Chesapeake Road, 50° E of Patapsco Road

7336 Chesapeake Road 15th Election District - 5th Councilmanic Petitioner(s): Brian F. & Joann Sherman HEARING: THURSDAY, MAY 17, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$(29.93) is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Please make your check payable to Galtimore County, Maryland. Bring the chack and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 28th day of March, 1990.

Petitioner: Brian F. Sherman, et ux Petitioner's Attorney: Frank S. Solomon Raltimore County

Zoning Commission

County Office Building

111 West Chesapeake Aven

Towson, Maryland 21204 Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

5/16/90

M9000825

PUBLIC HEARING FEES

080 -POSTING SIGNS / ADVERTISING 1 X **\$129.93**

TOTAL: \$129.93

LAST NAME OF OWNER: SHERMAN

B 108****12993:a 817%F Please make checks payable to: Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: April 19, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Brian F. and Joann Sherman, Item No. 298

The Petitioners' request a Special Hearing to determine if the proposed elderly sheltered care home meets the definition of a family and, therefor, is not subject to additional zoning requirements and restrictions.

- The Petitioner's brief clearly outlines the intended use of the property by its owners. The proposed use is not inconsistent with the definition of a "family" as found in the B.C.Z.R. as follows: "Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel."
- The Zoning office Policy Manual states, "If a question arises as to the legitimacy of the group home or ALU, whether the conditions as found meet the definition of "family" or "community care facility" a Petition for Special Exception and Petition for Special Hearing should be filed, with a public hearing held." Staff questions why the Petitioner has not filed a request for Special Exceptions.
- The Petitioner has not indicated whether or not state approval exists for the proposed use.
- Prior to final consideration of this matter. Staff recommends that Erwin Snyder, Chief of Health Facilities and Regulatory Services, be contacted. Health Facilities and Regulatory Services is a division of the Department of Environmentory Services is a division of the Department of Environmentory Services is a division of the Department of Environmentory Services and Research tal Protection and Resource Management.

Should the Petitioners' request be granted, staff offers the following conditions:

- The Petitioner shall submit a revised plan which addresses parking requirements, as determined by the Zoning Commission-

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeaka Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing CASE NUMBER: 90-442-SPH N/S Chesapeake Road, 50° E of Patapsco Road 7336 Chesapeake Road 15th Election District - 5th Councilmanic Petitioner(s): Brian F. & Joann Sherman HEARING: THURSDAY, MAY 17, 1990 at 2:00 p.m.

Special Hearing: To determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including §1801.1.8.1.b (Restrictions in Residential Transition Areas) and would qualify under 1801.1.8.1.(c).1 and is not a class A Elderly Housing Facility, Class A or B, a Nursing Home, or as Assisted Living Facility.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

- A landscape plan shall be submitted to the Baltimore County

If there should be any further questions or if this office can

provide additional information, please contact Jeffrey Long in the

Brian and Joann Sherman Frank S. Solomon, Esq.

Page 2 April 19, 1990

PK/JL/cmm

Brian F. and Joann Sherman, Item No. 298

Office of Planning at 887-3211.

landscape planner for approval.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

May 1, 1990

RE: Item No. 298, Case No. 90-442-SPH Petitioner: Brian F. Sherman, et ux Petition for Special Hearing

Dear Mr. Solomon:

Frank S. Solomon, Esquire

605 Baltimore Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Enclosures

cc: Mr. & Mrs. Brian F. Sherman 7336 Chesapeake Road Middle River, MD 21220

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 23, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours,

Thicked & flumgin Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lvw

ZUMMAN UNTILE

ITEM298/ZAC1

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

March 21, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

BRIAN F. SHERMAN RE: Property Owner:

#7336 CHESAPEAKE ROAD Location:

Zoning Agenda: MARCH 27, 1990 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt Joseph Coup Noted and Approved Fire Prevention Bureau Special Inspection Division

JK/KEK

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Frank S. Solomon, Esquire 605 Baltimore Avenue

Towson, Maryland 21204 RE: PETITION FOR SPECIAL HEARING N/S Chesapeake Road, 50' E of Patapsco Road

(7336 Chesapeake Road) 15th Election District - 5th Councilmanic District Brian F. Sherman, et ux - Petitioners Case No. 90-442-SPH

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

April 4, 1991

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

C' MN-farown ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 298 Sherman Property Chesapeake Bay Critical Area Findings

MAY 22 1993

DATE: May 10, 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 7336 Chesapeake Road in Harewood Park. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Brian F. Sherman

APPLICANT PROPOSAL

The applicant has requested a special hearing "to determine if the proposed Elderly Sheltered Care Home meets the definition of a family and therefore not subject to additional zoning requirements including S 1801.1.B.1.b (restrictions in Residential Transition Areas) and would qualify under 1801.1.8.1.(c)1."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines May 10, 1990 Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec.

Finding: This property is located approximately 600 feet from the tidal waters of the Gunpowder River, therefore no disturbance of the 100 foot buffer shall occur.

2. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The property has existing impervious areas exceeding 15% of the lot which will be allowed to remain. No additional development on the property is proposed at this time. However, future development shall not be allowed to exceed the existing sum of impervious areas.

3. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%"<COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container size

1 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

4. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

Memo to Mr. J. Robert Haines May 10, 1990

> (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

> (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

In order to comply with the above regulation, rooftop Findings: In order to comply with the above and into Dutch drains runoff shall be directed through downspouts and into Dutch drains runoff shall be directed through drainage information sheet). This or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

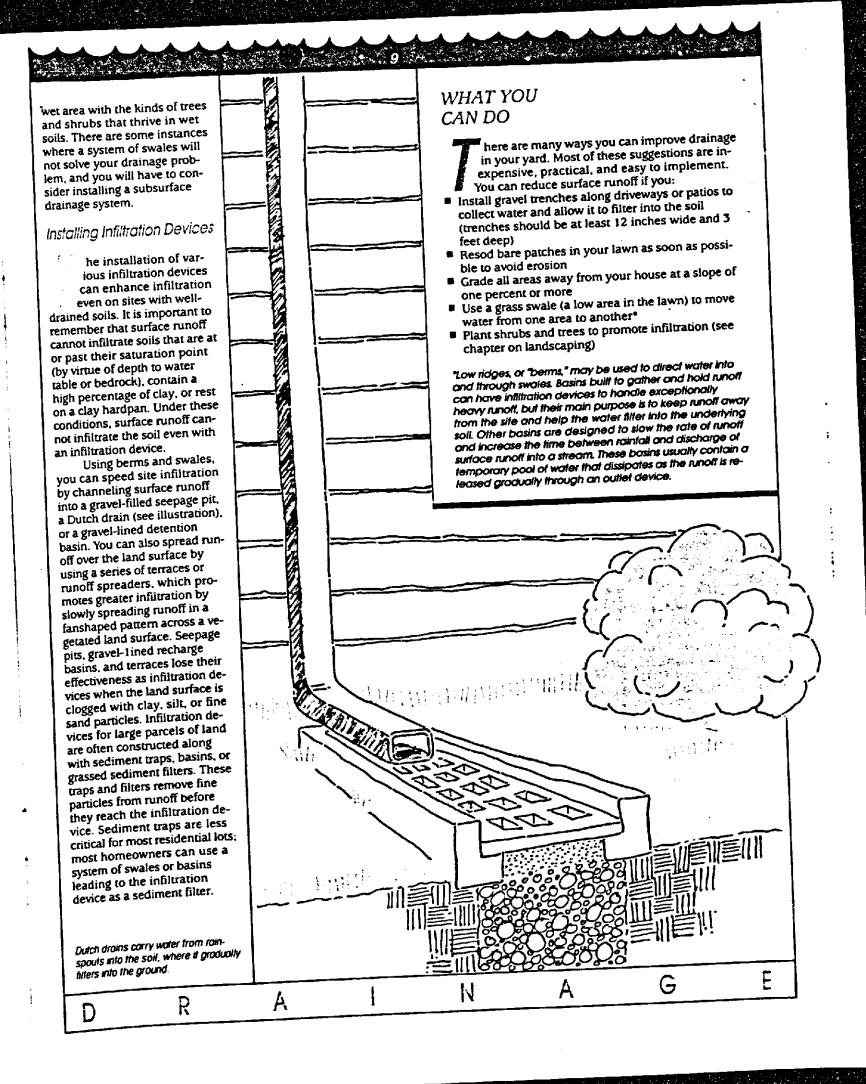
Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein The Honorable Dale T. Volz Mrs. Janice B. Outen

through the soil will collect on downhill slope so that water the surface and either create Chapter 4 does not seep through the health, safety, and use probfoundation. Once the water has lems or move across the surbeen carried ten feet from the face as excess runoff. house, you should regrade the Be on the lookout for surface so that runoff is resmall wet patches in your yard. ow rain water moves leased gradually. over and through the These wet spots mean that the Where drainage is good o soil around your house has setground is important where infiltration devices are to those of us who tled and surface water is colin use, you can regrade the ecting on the ground. Plant have experienced flooded land to create a basin, which growth is usually poor in these basements, wet yards, or broholds all runoff and allows it to ken septic systems. Solving the areas and erosion often occurs. infiltrate the soil over a longer Filling these pockets with topproblems associated with surperiod of time. The effectiveface water runoff and poorly soil and seeding them with ness of a basin depends on the grass will usually solve the drained soil is also important to soil's ability to absorb and filter improving the health of the problem by letting water flow the surface water. Soils with on its natural path. hesapeake Bay less than two feet of depth to Rain from roofs and In some instances, you bedrock or one foot of depth to driveways runs off, often erodmay be able to correct an exista seasonally high water table. ing wet soil problem by creating yards and destroying Roinwater runs downhill soil having a high clay content plants. Much of the soil washed ing a system of berms and - some filtering through off vacant lots and lawns is carswales around your yard. the soil, some running di surface, and low-lying soil that ried into streams and eventu-When it's not feasible to avoid rectivinto nearby receives runoff from a large a wet area, you may be able to ally reaches the Bay. This sedistreams By encouraging land area may not have suffimove it to a less used area of rainwater to move slowly ment smothers fish and cient infiltration capacity. the yard (around shrubs or hellfish. Nutrients, such as niocross the soil so mos When you try to retain runoff in trees, for example) by installing trogen and phosphorus from of it filters into the these situations, the soil will ground, you will help prefertilizer in runoff, can cause a swale to carry the water rapidly become saturated, and across the yard. Plant the new vent erosion problems excessive algae growth, using rainfall that should filter down up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay. Pollution also occurs when the soil is too wet to filte. sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can rise to the surface and be carried into streams and drain age ways. Dealing with Surface Turns. n large tracts of land, controlling surface water flow (storm water management) is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios. iriveways, sidewalks, and wimming pools. Whatever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a



RE: PETITION FOR SPECIAL HEARING N/S Chesapeake Rd., 50' E of Patapsco Rd. (7336 Chesapeake Rd.), 15th Election District

5th Councilmanic District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

BRIAN F. SHERMAN, et ux, Petitioners

: Case No. 90-442-SPH

:::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 4th day of May, 1990, a copy of the foregoing Entry of Appearance was mailed to Frank S. Solomon, Esquire, 605 Baltimore Ave., Towson, MD 21204, Attorney for Petitioners.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 8, 1991

Frank S. Solomon, Esquire 605 Baltimore Avenue Towson, Maryland 21204

RE: Petition for Special Hearing N/S Chesapeake Road, 50' E of Patapsco Road (7336 Chesapeake Road) 15th Election District - 5th Councilmanic District Brian F. Sherman, et ux - Petitioners Case No. 90-442-SPH

The purpose of this letter is to advise you of my intention to make a decision in the above-referenced matter. After the close of the hearing, and pursuant to discussions between Phyllis Freidman, Esquire, People's Counsel, you and me, it was my understanding that you were going to discuss the matter with your clients and perhaps file additional Petitions, including, but not limited to, a special exception request. To date, no Petitions have been filed.

If no word is heard from you within ten (10) days of the date of this letter, a decision will be rendered based upon the Petition filed and the testimony and evidence presented at the hearing.

Should you have any questions on the subject, please do not hesitate to contact me. Thank you for your attention in this matter.

> axi'M. Hastarowicz ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Very truly yours,

AMN:bjs

PLEASE PRINT CLEARLY

cc: Phyllis Freidman, Esquire People's Counsel Case File

IN RE: PETITION SPECIAL HEARING E/S of Courtleigh Drive, 118.19' S of the centerline of Old Court Road (3735 and 3737 Courtleigh Drive) -2nd Election District

Bon Vie, Inc.,

ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 87-208-SPII

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an interpretation by the Zoning Commissioner as to whether a proposed sheltered care home satisfies the Baltimore County Zoning Regulations (BCZR) and is permitted in a D.R.5.5 Zone.

The Petitioner, a profit-making corporation, by Jack Millard, President, appeared and was represented by Counsel. Emily Wolfson, on behalf of Liberty Communities Development Corporation; Vivian Noonan, on behalf of Courtmar Association; and Richard Lewis, an adjoining property owner, appeared, not necessarily in opposition but to express certain concerns.

Testimony indicated that the subject property, zoned D.R.5.5, consists of three unimproved lots. The Petitioner proposes to construct a 34' x 58', eight bedroom, split-foyer dwelling containing approximately 1,500 square feet on both the first and second levels on two of the lots, which are located on Courtleigh Road at Old Court Road. The dwelling will be a single-family residence in all respects, although it will house approximately eight senior citizens. The occupants will live together as a nuclear family, sharing one kitchen and one living area. Each, however, will have his or her own bedroom.

The purpose of the request is to provide a residential living alternative for the elderly, which is severely needed in Baltimore County. In fact, this is the first sheltered care home for the elderly proposed in Baltimore County.

IN RE: PETITION SPECIAL HEARING Lot 229, Plat of Sections A & B, Oliver Beach 15th District, Zoned D.R.55 7336 Chesapeake Road

Brian and JoAnn Sherman

Petitioner

Baltimore County, Maryland

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-442-5PH

Zoning Commissioner as to whether a proposed sheltered care home satisfies the Baltimore County Zoning Regulations (BCZR) and is permitted in a D.R.55 zone.

The Petitioners, Mr. & Mrs. Brian Sherman, own the property listed as 7336 Chesapeake Road, Baltimore County, Maryland. At the present time, Petitioners care for three residence in all respects although it will house eight senior citizens. Petitioners request that they be permitted to house and care for up to eight senior citizens at any given time. The occupants will live together as a nuclear family, sharing one kitchen and one living area.

The purpose of the request is to provide a residential living alternative for the elderly, which is severely needed in Baltimore County. The senior citizenswill be ambulatory and able to care for themselves, although the Petitioners will supplement their living arrangements with professional counselors who may assist with physical mobility, personal hygiene

and household and related chores that may require physical exert_ ionbeyond their capabilities.

The residents' daily routine would correspond to that, of a typical family, i.e. they prepare and eat meals in a common kitchen and share leisure time. No training, rehabilitation programs, or medical treatment would be provided other than that which may be needed or their physicians prescribe. If anything occurs which requires a higher degree of care, the resident will be moved accordingly. Each of the residents will share the responsibility of maintaining the household according to their ability and contribute financially to the Petitioners for their maintenance. The dwelling would be owned by the Petitioners, and the residents would not be on the deed nor be responsible for any of the mortgage.

It is expected that the residents will be long-term and would not leave unless there was a change in their physical condition and hospitalization of some sort is required. There would be no restrictions on their movements. The program is designed for senior citizens who cannot live by themselves but who are looking for a family with which they may share their

The need in Baltimore County is great for sheltered care homes such as this. It serves as a lynch pin between an elderly person living alone and the transition to an expensive nursing home with its institutional environment.

The Petitioners seek approval, pursuant to Section 500.7, BCZR, that the proposed use satisfies the BCZR's definition of "family" and thereby, is permitted as of right as a single-family use.

PETITIONER(S) SIGN-IN SHEET

7336 Thesapeake Kd Sherman 7336 Chesapenka Ra

COUNTY COUNCIL OF BALTIMOPE COUNTY, MARYLAND LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 6 BILL NO. 36-88

MS. BARBARA F. BACHUR, COUNCILMOMAN

BY THE COUNTY COUNCIL, MARCH 21, 1988

A BILL ENTITLED

AN ACT concerning

Baltimore County.

Elderly Housing Facilities FOR the purpose of amending the Baltimore County Zoning Regulations in order to define certain types of facilities for the housing of the elderly; permitting these facilities in certain residential zones of the County, either by right or by special exception; providing for such facilities established in connection with a hospital; permitting certain of these facilities to be developed under certain conditions on a property which contains institutional or historic buildings; authorizing the modification or waiver of certain of the Zoning Regulations when applied to such facilities; providing for parking requirements; and generally relating to elderly housing facilities in

Section 101 - Definitions, the definition of Housing for the Elderly and Life Care Facility or Continuing Care Facility, Baltimore County Zoning Regulations, as amended.

BY repealing and re-enacting, with amendments, Section 101-Definitions, by adding the definitions of Assisted

Living Facility, Continuing Care Facility, Housing for the Elderly, and Elderly Housing Facility, Baltimore County Zoning Regulations, as amended

Baltimore County Zoning Regulations, as amended

BY repealing, and re-enacting, with amendments Sections 1A04.4, 1B01.1.A.1, 1B01.1.C., 1B01.2.C.1., 1B02.2.A., EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill. Underlining indicates amendments to bill.

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REQUEST OF PETITIONER

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The Petitioner herein requests an interpretation by the

(3) elderly people in their home. The home is a single family

